

There was also a question about the hoped-for skate park. Scott said they are considering Lucy Kaegi Park but south of the tennis courts, in a kind of low spot, perhaps a retention area, but it needs \$60,000 to build and we don't have the money yet. He said as plans develop he will keep the commission informed.

Chairman von Achen noted that there are no public hearings on the agenda, and no Old Business, so he called for the first item under New Business: Consideration and approval of the Wilson Livinggood Addition located at 525, 535, and 545 West 20th Street. He asked Consultant Chambers for his comments.

Chambers said the addition is a subdivision plat of 9.47 acres on west 20th Street that was recently annexed by consent petition. It is a three lot plat, he said and dedicates a total of 50 feet of half street right-of-way for west 20th Street. Appropriate utility easements have been shown around the perimeter of each lot. Douglas County has reviewed and approved the plat, and it comes into the city as a Residential Agriculture zone and it will stay RA until the owners submit a change of zoning application and it is approved by the city. The property owners have no plans for changing the use of any of the three lots at this time, he concluded.

Richard Campbell was the first to pose a question. He asked if Lot 3 qualifies for rezoning since it is long and narrow and does not meet the city's Table 1 width requirement.

Codes Administrator Baumann explained that the reason for the petition of annexation was because the water well serving the houses located on the property went dry in the drought and the owners asked the City of Eudora to provide city water to them. This request was made in January, 2013 and City Administrator Harrenstein informed the Planning Commission at their February 6, 2012 meeting that the annexation had been made for the Robert Wilson properties, and approved by the City Commission, and the third piece, owned by the trust of the late Harry Harlan Livinggood trust, would be approved for annexation at the next commission meeting. Baumann said Harrenstein and Development Director Collin Bielser found no problem with it, and approved it at that time.

Chambers said that Lot 3 was only needed to provide access to the other two lots.

Campbell continued to be uneasy, stating that what the owners are trying to do is not legal. What if, he asked, in five years, somebody wants to sell Lot 3, it doesn't comply with anything? And instead of the RA zone, shouldn't it be RS, Residential Single family?

Chambers reminded the commission that all land outside the city comes in as Residential Agriculture when it is annexed, and that is how it remains until there is an application for different zoning.

Chairman von Achen pointed out that the City Commission has already accepted this annexation and the RA zoning, and the owners have given the city the requested 50 feet of right-of-way. They are platting now so they can be extended utilities, he said.

Campbell said he thought they couldn't plat until they are properly zoned.

Jason Hoover asked if there is any other land in the city which is still zoned as Residential Agriculture? von Achen said he believes Dr. Holladay's acreage is still RA.

Discussion continued and more questions arose. In the final paragraph of each annexation agreement (3) it is stated:

3. Rezoning. Within three (3) months following publication of the ordinance approving the annexation, landowners will submit one or more applications to rezone the land for commercial purposes. The application for rezoning shall be for the property to be rezoned from County Agriculture to the city's Residential Agriculture (RA Zoning District.)

May 1, 2013 Planning Commission Meeting

The Eudora Planning Commission met in regular session on Wednesday evening, May 1, 2013 in the Eudora Municipal Building. All seven members were present: Chairman Kurt von Achen, Vice Chairman Richard Campbell, Glenn Bartlett, Jason Hoover, Grant Martin, Tim Pringle and Johnny Stewart.

Also present were Interim City Manager Mike Press, Codes Administrator Curt Baumann, temporary Consultant Art Chambers, City Management Intern Barack Matite, Parks and Recreation Director Gary Scott and Reporter John Schulz.

Chairman von Achen called the meeting to order at 7:00 pm, the pledge of allegiance was recited and the minutes of the March 6, 2013 were approved as circulated. There had been no April meeting due to a lack of business to be conducted. von Achen invited Press to make his report.

Interim Manager Press told the commission members that interviews for a permanent City Manager will be conducted next week and that the recent city election re-elected Tim Reazin and added new member Jolene Born to the City Commission. He said Ruth Hughes was chosen to be mayor for the year, and that she is the first female to serve as Mayor of Eudora. He also said a Santa Fe Trail grant for \$32,000 has been received by the city and it is to be matched by \$25,000 from the city and \$25,000 from the school district. The money is to be used for sidewalks and trails at the schools south of the highway.

von Achen welcomed Art Chambers who is temporarily replacing Scott Michie as zoning and planning consultant. Michie is on temporary assignment and will be absent for several months.

Building Inspector Baumann's report listed 18 permits issued in March for a total valuation of \$617,015 and 17 permits with a value of \$1,026,595 for April. The higher valuation in April was the result of permits for four single family homes being constructed on Arrowwood Drive and Bobwhite Circle. Fees for the first quarter of the year amounted to \$18,491.58 and April fees were \$19,890. The report contained a number of colorful graphs making various comparisons, and Baumann gave Intern Matite credit for them.

In the public comment section of the agenda, Parks and Recreation Gary Scott came forward saying he wanted to share comments he has been receiving on the subject of starting a Farmer's Market in Eudora. He said there is quite a bit of interest in the community, so he is in the process of developing rules and regulations and application forms by looking at other markets around.

Richard Campbell asked where it would be located? Scott answered that School Superintendent Grosdidier would allow the use of the Nottingham School parking lot on Church Street and if they needed more space they could use the Elm Street side as well.

Grant Martin asked how many vendors there might be? Scott said so far less than 10. One has honey, another with produce and one even wanted to sell straw bales. He said possibly Pendleton's might be interested, and he was planning it for Friday evening so it would not conflict with the Lawrence market on Saturday morning. Scott said he intends to form a committee to handle applications and help with planning.

Johnny Stewart asked about fees, if there are state regulations, and if the items would be limited to what the vendors themselves produce? Scott said he wants to keep the fees low the first year, and then they can always be raised. He said they will comply with any state regulations, and produce for sale should be from local farms and gardens; nothing should be purchased and brought in for resale.

Stewart also asked "How about selling your own homemade beer. Would that be legal?" He then asked about the time frame for the new park at Shadow Ridge? Scott said they hoped to get started this spring. It will begin with the trail work and the park itself will follow, he added.

The question here was: Do they really want it zoned commercial? We thought they wanted it annexed to get city water. Interim Manager Press said he would research the word "commercial" and see if it is a misstatement, a typographical error, or if something was transposed.

The second thorny question concerned signatures to two of the applications. Grant Martin said that to the untrained eye, the signatures of father and son looked identical.

von Achen commented that annexations used to come before the Planning Commission before going to the City commission for acceptance. Should we ask the commission to bring it back to us first, if they understand it is causing a problem?

Someone pointed out that the driveway on Lot 3 clips the corner of Lot 2, and someone asked Codes Administrator Baumann if the city published the annexation application, and Baumann said, "Yes, in January."

Campbell asked if the house in the back has an easement to get to it, and he said if there is no easement then there is another problem.

Tim Pringle asked why there are three separate lots, and how long have they been separated?

von Achen explained that this used to be known as the Rosenau property and their daughter married Livinggood and he built the big house.

Richard Campbell moved to deny approval of this plat due to not showing access to a land-locked piece of property and it does not meet minimum property restrictions of the Eudora Zoning Ordinance. Tim Pringle seconded the motion and the vote as unanimous in favor, 7-0.

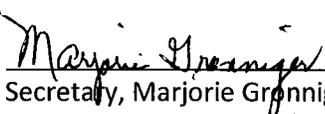
The second New Business item was consideration and approval of the updated 2013 Meeting and Application schedule. Chambers said the January 2014 meeting which would normally fall on New Year's Day, was changed to the second Wednesday, January 8.

Grant Martin moved to approve the schedule, Jason Hoover seconded the motion and the vote was unanimous in favor, 7-0.

Chairman von Achen called attention to the new Zoning Ordinance copies on the table in front of each member and asked them to be sure and discard their old copies.

Jason Hoover moved to adjourn, seconded by Glenn Bartlett. The meeting adjourned at 7:40 pm.

Signed: 
Chairman, Kurt von Achen

Signed: 
Secretary, Marjorie Groninger